

LAW AND PRACTICE OF PATENTS

EXAMINATION PAPER 2000

Time Allowed: 3 Hours

Answer SIX questions only.

Candidates MUST answer Question Number 1 and Question Number 2.

In the event of a Candidate failing to answer Question Number 1 and Question Number 2 the examination paper of that Candidate will NOT be considered valid.

1. Write notes on any THREE of the following cases:
 - (a) Wavin Pipes Ltd v. Hepworth Iron Co. Ltd [1982] FSR 32.
 - (b) Allen and Hanburys Ltd. v. The Controller of Patents, Designs and Trade Marks [1997] 1 ILRM 416.
 - (c) McDermott Laboratories Ltd. v. The Controller of Patents, Designs and Trade Marks [1998] 2 IR 276.
 - (d) Vicom's Application (Decision T208/84) [1987] OJEPO 119
 - (e) Plant Genetic Systems/Glutamine Synthetase Inhibitors [1995] EPOR 357.

2. Aldos Motor Company Limited manufactures luxury cars. It has developed a suspension system for cars which facilitates parallel parking by rotating the wheels of the car until they are perpendicular to the car. This enables the car to move in and out of parking spaces that are only slightly longer than the car. The new system has been fitted to ten cars manufactured by Aldos Motor Company Limited and those cars have been loaned to directors of the company for a trial period of one month. Each of the cars has been driven around the city of Dublin and on at least forty occasions the new system has been used so as to enable the car in question to park on a city street. One of the directors let her son use one of the cars over the course of a weekend when it was damaged in a minor accident. No damage to the suspension was suffered in this accident. The son left the car into a local garage where it stayed for two days so that repairs could be effected.

Aldos Motor Company Limited now wishes to apply for a patent in respect of the suspension system and seeks your advice.

3. Set out the requirements that have to be satisfied in order to obtain a short term patent and discuss the advantages and disadvantages of such a patent as compared with a standard patent.

4. With reference to decided case law and relevant statutory provisions, evaluate the different approaches as to how a court should interpret patent claims in the context of infringement proceedings.
5. Discuss the circumstances in which an Irish patent can be amended after grant and consider whether decisions of the courts of the United Kingdom in this area are likely to be followed in Ireland.
6. Write notes on EACH of the following insofar as they are relevant to actions for patent infringement:
 - (a) A quia timet injunction.
 - (b) An interim injunction.
 - (c) An interlocutory injunction.
 - (d) An Anton Piller injunction.
 - (e) A permanent injunction.

Refer to relevant case law to illustrate how Irish courts have laid down and applied the principles applicable to each of these types of injunction.

7. Outline and discuss the criteria to be applied when deciding whether an alleged invention involves an inventive step.
8. Discuss the changes to Irish patent law which implementation of Directive 98/44/EC on the legal protection of biotechnological inventions will necessitate.
9. Write notes on THREE of the following:
 - (a) Declarations as to non-infringement.
 - (b) Supplementary Protection Certificates.
 - (c) Compulsory licences.
 - (d) The 'Swiss form' of patent claims.